## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Enoc Rivera (a.k.a Moses) individually and on behalf of others similarly situated,	) ) )				
Plaintiff(s)	)				
V.	Civil Action No.				
MIDTOWN CATCH CORP. (D/B/A MIDTOWN CATCH), MICHAEL CIOFFI, and JOSEPH POLIZZI,	) ) )				
Defendant(s)	,				
SUMMONS IN A CIVIL ACTION					
To: (Defendant's name and address) Michael Cioffi 405 East 57th Street New York NY 10022					
A lawsuit has been filed against you.  Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:  Michael A. Faillace  MICHAEL FAILLACE & ASSOCIATES, P.C.  60 East 42nd Street, Suite 4510					
New York, New York 10165  If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.  CLERK OF COURT					
Date: 03/25/2019	/s/ P. Canales				
TATES DISTA	Signature of Clerk or Deputy Clerk				

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

was re	ceived by me on (date)	·				
	☐ I personally served	the summons on the individual	at (place)			
			on (date)			
	☐ I left the summons at the individual's residence or usual place of abode with (name)					
	on (date), a person of suitable age and discretion who resides there,  on (date), and mailed a copy to the individual's last known address; or					
	☐ I served the summons on (name of individual) , who is designated by law to accept service of process on behalf of (name of organization)					
			on (date)	; or		
	☐ I returned the summ	nons unexecuted because		; or		
	☐ Other (specify):					
	My fees are \$	for travel and \$	for services, for a total of \$	0.00		
	I declare under penalty	y of perjury that this information	n is true.			
Date:						
Dute.			Server's signature			
			Printed name and title			
			Server's address			

Additional information regarding attempted service, etc: